

Minutes of the
Idaho Real Estate Appraiser Board
January 10, 2000

The Idaho Real Estate Appraiser Board meeting was called to order at 9:10 a.m., Monday, January 10, 2000 at the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho.

Roll Call: Paul Morgan, Chairman
Doyle Pugmire, Vice Chairman
Ruby Stroschein, Secretary
Gordean Briggs, Board Member

Bureau Staff: Thomas E. Limbaugh, Bureau Chief
Budd Hetrick, Jr., Deputy Bureau Chief
Roger Hales, Administrative Attorney
John Kersey, Supervising Investigator
Kirsten Wallace, Deputy Attorney General
Dee Ann Randall, Administrative Secretary

Minutes

Moved by Ruby Stroschein, seconded by Doyle Pugmire and carried that the minutes of the November 15, 1999 board meeting be approved.

Moved by Ruby Stroschein, seconded by Gordean Briggs and carried that the minutes of the November 30, 1999 conference call be approved.

Financial Report

Mr. Limbaugh informed the Board that he did not have a financial report today for them. It will be prepared and mailed to them next week.

Board/Bureau Contract

Mr. Limbaugh informed the Board that the Bureau had received the signed contract from the Attorney General's Office. A few minor changes had been made by the Deputy Attorney General, and copies of the changes were circulated to the board members for review.

Moved by Ruby Stroschein, seconded by Gordean Briggs and carried that the Board accepts the changes and authorize Paul Morgan, Chairman to initial the changed pages.

Supplemental Appropriation

Mr. Limbaugh informed the Board that he has been requested to pull the supplemental appropriation that was submitted, which would allow for sufficient fees to cover costs incurred for pro-review of complaints. The reason being that JFAC has so many supplementals to review, sufficient time is not available to review all of them. The Board agreed that the supplemental should not be pulled and Mr. Limbaugh said he would pursue having the supplemental appropriation reviewed.

Mr. Limbaugh and Budd Hetrick met with Jody Graham and others from their group and once again discussed the complaint process with them and the current status of complaints.

Ed Morse, Board Member

Paul Morgan informed the Board that Ed Morse has submitted his resignation from the board to the Governor. Mr. Morse has accepted an appointment to the Appraiser Qualifications Board, and by doing so, can no longer serve on the Idaho Real Estate Appraiser Board due to a conflict of interest. Mr. Morse submitted recommendations to the Governor for appointment to the board.

Roger Hales, Administrative Attorney

Mr. Hales had reviewed the current laws of the state of Utah and informed the Board that reciprocity can exist between Idaho and Utah. Moved by Ruby Stroschein, seconded by Gordean Briggs and carried that reciprocity between Idaho and Utah be approved. Mr. Hales will prepare an agreement for the Board's signature.

Possible reciprocity with the state of Oregon was discussed. Sufficient information was not available to make a determination. Mr. Hales will request a current copy of their laws and rules and this will be discussed at the next board meeting on March 20, 2000.

Open Book Examination

Roger Hales will make some minor language changes in the open book examination and forward them to Dee Ann Randall to begin using immediately.

Kirsten Wallace, Deputy Attorney General

Kirsten Wallace, Deputy Attorney General met with the Board and informed them that a formal hearing is scheduled to take place on March 20, 2000 with the Board in attendance. This hearing will not require a hearing officer.

Ms. Wallace informed the Board that the three (3) complaints they had previously requested hearings for all originate from northern Idaho. It was the decision of the Board that the hearings be held in Northern Idaho with a hearing officer to be appointed. The Board asked Ms. Wallace to contact former board member Ed Morse to see if he knows of an attorney in the area who is familiar with administrative law as well as real estate appraisals.

Investigative Report

Mr. Kersey reported that to date no complaints have been received for the year 2000.

To date forty-six (46) complaints have been received for 1999. Forty-two (42) remain under investigation. Two of those were closed without action. Two were closed after consent agreement.

Thirty-seven (37) complaints were received during 1998. Twenty-eight (28) remain under investigation, legal or pro-review.

Regarding 1997 thirty-two (32) complaints were received, fifteen (15) remain under investigation, legal or pro-review.

Regarding 1996 a total of forty-four (44) complaints were received. Six (6) complaints are under legal review or pro-review. One (1) is scheduled for a formal hearing.

Registration of Appraiser Trainees

The Board asked Mr. Hales if registering trainees would require a law change or could this be done by a rule change. Mr. Hales stated it could be done by a rule change. Possible language for this will be discussed at the March 20, 2000 board meeting.

Certified General Application of File #REA0699EA

Certified general applicant, file #REA0699EA met with the Board to discuss his pending application as recommended by his attorney, in a good faith effort to possibly alleviate further legal action regarding his application.

Executive Session

Moved by Ruby Stroschein, seconded by Gordean Briggs and carried that the Board go into executive session to discuss possible litigation, the time being 11:35 a.m.

Moved by Ruby Stroschein, seconded by Gordean Briggs and carried the Board comes out of executive session at 12:20 p.m.

Moved by Doyle Pugmire, seconded by Ruby Stroschein and carried that the pending application of file #REA0699EA, the Board accepts 32 hours, 20 hours for USPAP and 3 examination hours each for four (4) classes, for a total of 12 hours. Total hours accepted is 32 hours. File #REA0699EA is required to take 148 classroom hours of which 100 must be advanced classroom hours with examinations, 48 of the classroom hours may be classroom hours only as long as they correlate with the examinations that he has already taken. File #REA0699EA may submit additional work product after he has taken these classroom hours.

Moved by Doyle Pugmire, seconded by Ruby Stroschein and carried that the Board audit all applications that have been approved since March 18, 1999 to assure compliance with education requirements and if any are found to be deficit in this regard with challenge examinations, that they have to submit additional hours and do it within one year from today. If any applicant who is deficit does not comply, action will be taken to suspend or revoke their license. These hours are in addition to and separate from the continuing education requirement.

Doyle Pugmire moved to amend his motion to state that Dee Ann Randall is to audit these files and bring the results to the Board for their review at their March 20, 2000 meeting. Amended motion seconded by Ruby Stroschein and carried.

Disciplinary Policy

The Board discussed establishing a disciplinary policy to maintain uniformity in board actions. Roger Hales recommended that this issue be deferred for further review. The Board agreed. John Kersey will research the issue and inform the Board what the AQB requires in this area.

Idaho State Tax Commission Winter Courses

A final review of the Idaho State Tax Commission Winter Courses was done by the Board with the following decisions being made:

Moved by Doyle Pugmire, seconded by Ruby Stroschein and carried "Estimating Assessments from Blueprints and Specifications" approved for continuing education credit only.

Moved by Doyle Pugmire, seconded by Ruby Stroschein and carried "Marshall & Swift Commercial Valuation" is approved for continuing education credit only.

Moved by Doyle Pugmire, seconded by Ruby Stroschein and carried "Advanced Income Concepts for Industrial Valuation" is approved for continuing education credit only.

Moved by Ruby Stroschein, seconded by Gordean Briggs and carried that the USPAP course is not approved for licensure/certification.

Issuance of Reciprocity Licenses/Certificates

Discussion was held regarding the issuance of reciprocity licenses/certifications as to whether the Board should continue to review these applications or authorize the Bureau to review and issue licenses/certificates. Moved by Gordean Briggs, seconded by Doyle Pugmire and carried that the Board authorizes the Bureau to issue reciprocity licenses/certificates without Board review.

Advalorem Guidelines

Discussion was held concerning advalorem guidelines. Ruby Stroschein will contact the states Idaho has reciprocity with for information on how this is handled and report back at the March 20, 2000 board meeting.

Challenge Examinations

Moved by Gordean Briggs, seconded by Doyle Pugmire and carried that, subject to review by Roger Hales, a letter be sent to all licensed/certified appraisers stating that course credits which are obtained from the course provider by challenge examination without attending the course will not be accepted. The Board hopes this information will be reviewed by those appraisers who have trainees working for them.

Applications Reviewed

The Board approved four (4) applications for certification/licensure without examination and one (1) application for examination.

Meeting adjourned at 4:05 p.m.

Paul Morgan, Chairman

R. Doyle Pugmire, Vice Chairman

Ruby Stroschein, Secretary

Gordean Briggs

Ed Morse

Thomas E. Limbaugh, Chief
Bureau of Occupational Licenses

Approved 3/20/2000